

REMARKS

Claims 1, 3-12, 14-18, 20-30, and 32-46 are currently pending in the subject application and are presently under consideration. Claim 39 has been amended as shown on page 8 of the Reply.

Favorable reconsideration of the subject patent application is respectfully requested in view of the comments and amendments herein.

I. Rejection of Claims 1, 3, 5-12, 14-18, 20, 22-30, 32, 34-38, and 40-46 Under 35 U.S.C. §103(a)

Claims 1, 3, 5-12, 14-18, 20, 22-30, 32, 34-38, and 40-46 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Jung (US 6,049,716)(“Jung”) in view of Lee et al. (US 6,865,389)(“Lee”). Reversal of this rejection is respectfully requested for at least the following reasons. The cited art, either alone or in combination, do not teach or suggest all aspects recited in the subject claims.

The claimed subject matter generally relates to mechanisms for controlling data transmission parameters for wireless communications channels based upon prevailing transmission characteristics of the channels. To this end, independent claims 1, 10, 15, 18, 27, 34, and 41 recite similar features namely: *mobile station being configured to modify a transmission parameter in response to the network directing the mobile station to enter or leave soft handoff and the frame size is set to a first size and wherein if the mobile station is directed to leave soft handoff, the frame size is set to a second size*. Importantly, the decision to enter or leave soft handoff is not dependent on the frame size of transmission from the mobile station. Indeed, unknown and unpredictable conditions precipitate a mobile station entering soft handoff mode. *See* Specification paragraphs [0037] to [0040].

Jung is directed to a method for adding and removing base stations in an active set of a mobile station. Lee is directed to a virtual soft handover process for a mobile station where the decision to enter virtual soft handover is dependent upon a threshold data transmission rate. *See* Lee column 4.

The combination of Jung and Lee describe a handover process *whereby the size of the data transmission determines* whether the mobile station is in virtual soft handover or not. *See* Lee column 4 lines 52-67. It is clear that the combination of the cited references directs that the

size of the data transmission frames (as measured by the mobile station) determines whether the mobile station enters a virtual soft handover mode. By contrast, the recited independent claims are not directed to determining soft handoff based upon the size of the data transmission. Rather, the recited independent claims are directed to a method for selecting the frame size *as a result of* a decision to configure the mobile station to enter or leave soft handoff. Applicant submits that neither Jung nor Lee describes (i) mobile station being configured to modify a transmission parameter in response to the network directing the mobile station to enter or leave soft handoff and (ii) the frame size is set to a first size and wherein if the mobile station is directed to leave soft handoff, the frame size is set to a second size as recited in claims 1, 10, 15, 18, 27, 34, and 41.

The rejection of independent claims 1, 10, 15, 18, 27, 34, and 41 cannot stand. Claims 3-5-9, 11-12, 14, 16-17, 20, 22-26, 28-30, 32, 35-38, 40, and 42-46 which depend on independent claims 1, 10, 15, 18, 27, 34, and 41, are similarly allowable.

In view of at least the foregoing, it is readily apparent that none of the cited documents, alone or in combination, teach or suggest all aspects recited in the subject claims. Hence, withdrawal of this rejection is requested with respect to independent claims 1, 10, 15, 18, 27, 34, and 41.

II. Allowable Subject Matter

Claim 39 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claims 4, 21, and 33 are allowed.

Claim 39 has been rewritten in independent form including all of the limitations of the base claim and any intervening claims. Applicants wish to thank the Examiner for the indication of allowable subject matter.

CONCLUSION

The present application is believed to be in condition for allowance in view of the above comments and amendments. A prompt action to such end is earnestly solicited.

Please charge any fees or overpayments that may be due with this response to Deposit Account No. 17-0026.

Should the Examiner believe a telephone interview would be helpful to expedite favorable prosecution, the Examiner is invited to contact applicants' undersigned representative at the telephone number below.

Respectfully submitted,

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